

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.2696 OF 2003

S.S. Sarankar
R/at Room No.887, Airoli Naka
Behind Kerala Transport
Thane Belapur Road
New Mumbai-400 708

... Petitioner

V/s.

1. Union of India
through Secretary, Ministry
of Communication Department
of Post, Dak Bhavan, Sansad Marg
New Delhi

2. The Chief Post Master General
Maharashtra Circle, G.P.O. Mumbai

3. Director, Postal Services
Department of Post
G.P.O., Mumbai

4. Senior Manager
Mail Motor Services,
134, Ahire Road
Worli, Bombay

... Respondents

Mr.M.S. Karnik for Petitioner
Mr.A.C. Singh i/b T.C. Kaushik for Respondents

CORAM: V.G. PALSHIKAR, Ag.C.J &
SMT.NISHITA MHATRE, J.

DATED: FEBRUARY 16, 2006

JUDGMENT (PER SMT.MHATRE, J.):

. The question raised in this Petition is whether on compulsory retirement, the Petitioner is entitled to gratuity as well as pension as payable to permanent employees under the Central Civil Services (Pension) Rules.

2. The Petitioner had challenged the refusal of pension before the Administrative Tribunal by filing Original Application No.238 of 2002. The Tribunal had rejected the Original Application on the ground that the petitioner was a temporary employee who had been compulsorily retired and was, therefore, not entitled to pension. We are not required to consider the pension Rules and other provisions of law governing the service conditions of the Petitioner since we have already held in Writ Petition No.2318 of 2002 that the punishment of compulsory retirement was too harsh. That punishment had already been set aside.

3. In these circumstances, the order of the Central Administrative Tribunal is set aside. We are of the opinion that the gratuity and pension payable to the Petitioner must be calculated on the basis that the Petitioner had been superannuated from his service.

4. Petition is disposed off accordingly.